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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036			EXAMINER ANDERSON, MICHAEL D	
			ART UNIT 2433	PAPER NUMBER
			NOTIFICATION DATE 04/01/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@pczlaw.com
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Office Action Summary

Application No.

10/597,003

Applicant(s)

SEVER ET AL.

Examiner

MICHAEL ANDERSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(c)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Pending claims for consideration are claims 1-37. Applicant has amended claims 1, 21, 24, and 34.

2. Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/2010 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by

Pub.No.: US 2003/0154380 A1 to Richmond et al (hereafter referenced as Richmond).

Regarding **claim 1**, Richmond discloses “a method for protecting the transfer of data between a computer and an external device” (***process of authentication and authorization of users [par.0255]***), “the method comprising the steps of:

a. receiving, by a module on the computer, a data portion during a data communication session between the computer and the external device” (***packets[Fig.15/item 1502] are received by network entry device [Fig.15/item 1504]***), “said external device connected to the computer and communicating therewith via a physical communication port” (***network device serving as entry point to communications network where network device includes port module [par.0046]***); “b. analyzing, by said module, the data portion according to a protocol associated with the physical communication port” (***authentication logic to authenticate identity where the configuration logic is operative to configure the port module in response to authentication [par.0047]*** ***also see rule application logic [par.0048]***); “c. determining, by the module, based at least in part on said data portion analysis, whether a decision on whether to allow the

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data communication session may be reached, wherein if no decision may be reached on whether to allow said data communication session” (***rule application logic***

[par.0048]), “then storing the data portion in a buffer, wherein the buffer is associated with the data communication session and returning to step 'a' and waiting for a next data portion, and if said decision may be reached, then proceeding to step 'd'

“(store the relationship hierarchy of one or more packet rules [fig.3/item 308]); “d.

determining, by the module, based at least in part on said data portion analysis, whether to allow the data communication session, wherein if said data communication session is to be allowed”(***authentication module controls accessing stored user information***

to determine if the identification matches that of received packet, and to

determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]), “then

transferring the data portion with data stored in the associated buffer, if any exist,

toward or from the physical communication port, and if said data communication

session is not to be allowed, then modifying data transportation related to said data

communication session”(***port module with port configuration logic to configure***

port module with one or more packet rules[par.0046]).

Regarding **claim 2** in view of claim 1, Richmond discloses “wherein the step of modifying the data transportation comprises blocking the transportation” (***deny Field may store a value indicating whether or not to deny access [par.0131]***).

Regarding **claim 3** in view of claim 1, Richmond discloses “wherein the step of modifying the data transportation comprises modifying the type of the transportation” ***(using deny filed, packet rule may be modified/configured to prevent certain users from using particular applications [par.0131]).***

Regarding **claim 4** in view of claim 1, Richmond discloses “wherein the step of modifying the data transportation comprises modifying a status of a requested file” ***(using deny filed, packet rule may be modified/configured to prevent certain users from using particular applications [par.0131]).***

Regarding **claim 5** in view of claim 1, Richmond discloses “wherein the step of modifying the data transportation comprises correcting the data according to the communication protocol” ***(network administrator may configure a packet rule accordingly [par.0131]).***

Regarding **claim 6** in view of claim 1, Richmond discloses “wherein the physical communication port is selected from a group consisting of SCSI bus, Serial, Parallel, FireWire, PCMCIA bus, cellular, fiber channel, Bluetooth, iSCSI, Infiniband, and Infrared” ***(It is known within the art that the port must be that of a parallel or series also see [par.0006] which discloses a plurality of physical ports and [par.0005] two or more fiber optic cables).***

Regarding **claim 7** in view of claim 1, Richmond discloses “wherein the physical communication port is a USB port” ***([par.0006] discloses a plurality of physical ports capable of).***

Regarding **claim 8** in view of claim 1, Richmond discloses “wherein the physical communication port is wireless”***(user device maybe connected to the entry port module by any of a variety of transmission media including wireless or wired based medium[par.0192])***.

Regarding **claim 9** in view of claim 1, Richmond discloses “wherein the step of analyzing the data portion further comprising: (i) determining whether additional processing based on a higher level protocol is required’***([Fig.13b/item 1324], the packet comes to a state to process if the Packet contains a VLAN header)*** , “wherein if additional processing is not required, then continuing at step 'c”
([Fig.13b/step c, also see [Fig.13c] shows that if additional processing is not required step C will forward packet based on vlan header [Fig.13c/item 1336]) , “otherwise continuing at step (ii); and (ii) processing part of the data portion relevant to the higher level protocol according to the higher level protocol and returning to step (i)”
([Fig.13b/step c, also see [Fig.13c] shows that if additional processing is not required step C will forward packet based on vlan header [Fig.13c/item 1336])

Regarding **claim 10**, in view of claim 9, Richmond discloses “wherein the step of analyzing the data portion comprises analyzing relevant to a higher level protocol that is associated with the external device”***(port processing logic maybe configured to forward configured packet through port connecting medium and port module to another destination on the network[par.0249])***.

Regarding **claim 11**, in view of claim 10, Richmond discloses “wherein the data communication session is associated with an application selected from a group consisting of synchronization applications for PDA, Java applications for synchronization with cellular phone, backup storage applications, Bluetooth and WiFi protocols”(***types of devices may include but are not limited too PDA’s , Blackberry, laptops, personal computers [par.0016]***).

Regarding **claim 12**, in view of claim 1, Richmond discloses “wherein the step of analyzing the data portion is performed in respect of the data stored in the associated buffer” (***store the relationship hierarchy of one or more packet rules [fig.3/item 308]***).

Regarding **claim 13**, in view of claim 1, Richmond discloses “wherein the step of determining whether a decision on the data communication session may be reached is performed in respect of the data stored in the associated buffer”(***authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]***).

Regarding **claim 14**, in view of claim 1, Richmond discloses “wherein the step of determining whether to allow the data communication session is performed in respect of the data stored in the associated buffer”(***authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is***

determined that the stored identification information matches received information [par.0064]).

Regarding **claim 15**, in view of claim 1, Richmond discloses “wherein the step of receiving a data portion comprises receiving a data portion selected from a group consisting of packet and SCSI block” ***(authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]).***

Regarding **claim 16**, in view of claim 1, Richmond discloses “wherein the step of receiving the data portion comprises obtaining the data portion by emulating a class driver”, ***i.e. receiving data portion via hardware device driver that can operate large number of different devices of a similar type (switching device, also general purpose computer which maybe configured to operate as a switching device [par.0006] also see multiple program applications inclusive of driver applications [par.0026]).***

Regarding **claim 17**, in view of claim 1, Richmond discloses “ wherein step of receiving the data portion comprises obtaining the data portion by emulating a filter module” ***(entry port module maybe configured to apply filtering rules in accordance with IEEE 802.1D based on VLAN specified in the header [par.0205]).***

Regarding **claim 18**, in view of claim 1, Richmond discloses “wherein the step of analyzing the data portion according to a protocol associated with the physical communication port further comprises: i. parsing the data portion; ii. reassembling the data; and iii. analyzing the reassembled data”,**(port module with one or more packet rules including user and port configuration logic to configure port module with packet rules and an authentication module to determine the assigned role of user based on identification information[par.0062])**.

Regarding **claim 19**, in view of claim 1, Richmond discloses “wherein the step of determining whether to allow the communication session comprises reviewing a security policy” **(rule application logic [par.0048])**.

Regarding **claim 20**, in view of claim 1, Richmond discloses “wherein the step of determining whether to allow the communication session comprises examining the working environment in which the computer is operating and allowing the communication only if said computer is operating in one or more of certain working environments”**(physical port receives a packet from a device used by the user and rule application logic to apply one or more packet rules to the received packet before using any of the network resources of the network device [par.0052])**.

Regarding **claim 21**, Richmond discloses “a system for -computer protecting the transfer of data between a computer coupled to a private network and an external device” **(process of authentication and authorization of user data [par.0255])**, “the system comprising: a client agent installed on the computer, the client agent having an associated security policy”**(port configuration logic to configure the port module**

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with one or more packet rules corresponding to the user [par.0046] ; “a security manager communicatively coupled to the private network and operable to associate said security policy with the client agent” (***authentication module [Fig.15/item 1506]*** ***also see rule database [Fig.15/item 1514]***); “wherein the client agent is operative to: obtain at least a portion of a data transfer between a hardware device connected to the computer through a physical communication port of the computer” (***physical port receives a packet from a device used by the user and rule application logic to apply one or more packet rules to the received packet before using any of the network resources of the network device [par.0052]***); “analyze said at least a portion of the data transfer according to a communication protocol associated with the physical communication port” (***authentication logic to authenticate identity where the configuration logic is operative to configure the port module in response to authentication [par.0047] also see rule application logic [par.0048]***); “and determine whether the data transfer is allowable based, at least on the analysis of the at least a portion of the data transfer and the security policy” (***rule application logic [par.0048]***), “and, if not determining whether the data transfer is allowable, then store the at least a portion of the data transfer in a buffer associated with the data transfer and wait for a subsequent data portion and” (***authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]***), “if determining the data transfer is allowable, then transferring

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the at least a portion of the data transfer with data stored in the associated buffer, if any exist, toward or from the physical communication port” (***Port module with port configuration logic to configure port module with one or more packet rules [par.0046]***).

Regarding **claim 22** in view of claim 21, Richmond discloses “wherein the security manager is operable to verify that the security policy is correct” (***authentication module[Fig.15/item1506] also see rule database [Fig.15/item 1514]***).

Regarding **claim 23** in view of claim 21, Richmond discloses “wherein the security policy includes a plurality of rules that at least define limits on data transfers during a communication session” (***authentication module[Fig.15/item1506] also see rule database [Fig.15/item 1514]***).

Regarding **claim 24** in view of claim 21, Richmond discloses “wherein the security policy includes a plurality of rules related to that at least a content of the data portion and define the a type of an operation that can be performed during communication session” (***authentication module[Fig.15/item1506] also see rule database [Fig.15/item 1514]***).

Regarding **claim 25** in view of claim 21, Richmond discloses “wherein the security manager is operable to disable any communication with the computer unless the client agent associated with the computer is active” (***deny/disable field [par.0131]***)

Regarding **claim 26** in view of claim 21, Richmond discloses “wherein the physical communication ports is selected from a group consisting of SCSI bus, Serial, Parallel, FireWire, PCMCIA bus, cellular, fiber channel, Bluetooth, iSCSI, Infiniband,

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and Infrared” ***(It is known within the art that the port must be that of a parallel or series also see [par.0006] which discloses a plurality of physical ports and [par.0005] two or more fiber optic cables).***

Regarding **claim 27** in view of claim 21, Richmond discloses “wherein the physical communication ports is a USB port” ***([par.0006] discloses a plurality of physical ports capable of).***

Regarding **claim 28** in view of claim 21, Richmond discloses “wherein the physical communication port is wireless” ***(user device maybe connected to the entry port module by any of a variety of transmission media including wireless or wired based medium[par.0192]).***

Regarding **claim 29** in view of claim 21, Richmond discloses “wherein the client agent is associated with the security policy by loading the security policy into the client agent” ***(physical port must receive/load from a device used by the user and rule application logic to apply one or more packet rules to the received packet before using any of the network resources [par.0052]).***

Regarding **claim 30** in view of claim 21, Richmond discloses “wherein the security manager is operable to verify that the security policy loaded into the client agent has not been modified” ***((authentication module[Fig.15/item1506] also see rule database [Fig.15/item 1514]).***

Regarding **claim 31** in view of claim 21, Richmond discloses “wherein the client agent is further operative to transmit a report to a security server, the report identifying events that occurred with the computer in view of the security policy” ***(user information***

about the user is stored on a computer readable medium residing on communication network [par.0067]).

Regarding **claim 32** in view of claim 21, Richmond discloses “wherein the client agent is operable to analyze the data based on a higher level protocol that is associated with the hardware device, wherein the hardware device is selected from a group consisting of flash memory, removable hard disk drive, floppy disk, writable CD ROM, a PDA, a cellular phone, a WiFi dongle and a Bluetooth dongle” ***(port processing logic maybe configured to forward configured packet through port connecting medium and port module to another destination on the network[par.0249] additionally (types of devices may include but are not limited too PDA’s , Blackberry, laptops, personal computers [par.0016]).***

Regarding **claim 33** in view of claim 21, Richmond discloses “wherein the client agent is operable to analyze the data based on a higher level protocol that is associated with an application selected from a group consisting of synchronization applications for PDA, Java applications for synchronization with cellular phone, backup storage applications, Bluetooth and WiFi protocols” ***(port processing logic maybe configured to forward configured packet through port connecting medium and port module to another destination on the network[par.0249] additionally (types of devices may include but are not limited too PDA’s , Blackberry, laptops, personal computers [par.0016]).***

Regarding **claim 34**, Richmond discloses “a computer having installed thereon a module operative to: obtain at least a portion of a data transfer passing through at least one physical communication port of the computer” (***port configuration logic to configure the port module with one or more packet rules corresponding to the user [par.0046]***); “analyze said at least a portion of the data transfer according to a communication protocol associated with the at least one physical communication port” (***authentication logic to authenticate identity where the configuration logic is operative to configure the port module in response to authentication [par.0047]*** ***also see rule application logic [par.0048]***); “and determine whether the data transfer is allowable based:, at least in part, on the analysis of the at least a portion of the data transfer and a security policy” (***authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]***); “and, if not determining whether the data transfer is allowable, then store the at least portion of the data transfer in a buffer associated with the data transfer and wait for a subsequent data portion and, if determining the data transfer is allowable, then transferring the at least a portion of the data transfer with data stored in the associated buffer, if any exist, toward or from the physical communication port” (***authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification***

information matches received information [par.0064]).

Regarding **claim 35** in view of claim 10, Richmond discloses “wherein the device is a device selected from a group of devices consisting of flash memory, removable hard disk drive, floppy disk, writable CD ROM, a PDA, a cellular phone, a WiFi dongle and a Bluetooth dongle” ***(types of devices may include but are not limited too PDA’s, Blackberry, laptops, personal computers [par.0016]).***

Regarding **claim 36** in view of claim 1, Richmond discloses “wherein determining whether a decision on whether to allow the data communication session may be reached is based on at least two data portions wherein at least one of said two data portions is stored in said buffer” ***(authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]).***

Regarding **claim 37** in view of claim 1, Richmond discloses “wherein determining whether to allow the data communication session is based on at least two data portions wherein at least one of said two data portions is stored in said buffer” ***(authentication module controls accessing stored user information to determine if the identification matches that of received packet, and to determine assigned role from stored user information if it is determined that the stored identification information matches received information [par.0064]).***

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ANDERSON whose telephone number is (571)270-5159. The examiner can normally be reached on Monday-Friday 8am til 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVEK SRIVASTAVA can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MICHAEL ANDERSON
Examiner, Art Unit 2433

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/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2433